

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	<b>NOTICE OF VIOLATION</b>
	)	
Wisconsin Department of Administration	)	
University of Wisconsin	)	EPA-5-00-WI-04
Eau Claire, Wisconsin	)	
	)	
Proceedings Pursuant to	)	
Section 113 of the Clean Air Act,	)	
42 U.S.C. § 7413	)	

**STATUTORY AUTHORITY**

This Notice of Violation is issued pursuant to Section 113(a) of the Clean Air Act (Act), 42 U.S.C. § 7413(a). You are hereby notified that the Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to Bharat Mathur, Director of the Air and Radiation Division, Region 5, finds the Wisconsin Department of Administration in violation of the Wisconsin State Implementation Plan (SIP), adopted pursuant to Section 110 of the Act, 42 U.S.C. § 7410, regarding particulate emission limits for fuel burning installations at the University of Wisconsin, Eau Claire, Wisconsin.

**STATUTORY AND REGULATORY BACKGROUND**

1. Section 110 of the Act, 42 U.S.C. § 7410, requires each State to adopt and submit a plan which provides for the implementation, maintenance, and enforcement of any national primary or secondary standard established pursuant to Section 109 of the Act, 42 U.S.C. § 7409. These plans are required to include enforceable emissions limitations, control measures, schedules for compliance, emissions monitoring requirements and permit programs for new and modified sources.
2. Section 110(n)(1) of the Act, 42 U.S.C. § 7410(n)(1), provides that any provision of any applicable implementation plan that was approved or promulgated by the Administrator pursuant to Section 110 as in effect prior to November 15, 1990, shall remain in effect as part of such applicable implementation plan.
3. 40 CFR § 52.23 provides that failure to comply with any approved regulatory provision of a State Implementation Plan (SIP) or with any permit limitation or condition contained within an operating permit issued under an EPA-approved program that is incorporated into the SIP, shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under Section 113 of the Clean Air Act.

4. Pursuant to Section 110 of the Act, 42 U.S.C. § 7410, the Administrator approved Wisconsin Administrative Code § NR 154.11 as part of the federally enforceable SIP on March 9, 1983 (48 FR 9860).<sup>1</sup> This approval became effective on April 18, 1983. Wisconsin Administrative Code § NR 154.11(4)1 provides, in part, that no person shall cause, allow, or permit the emission of particulate matter to the ambient air from any indirect heat exchanger, power or heating plant, fuel-burning installation constructed on or before April 1, 1972, in excess of 0.60 pounds of particulate matter per million BTU of heat input to any stack.

#### **FACTUAL BACKGROUND**

5. UW has a heating plant with two coal-fired boilers that it operates for the purpose of providing useful heat for the University.

6. UW's two coal-fired boilers each have a rated heat input capacity of 75 million BTU per hour and rated steam flow capacity of 66,000 pounds per hour.

7. UW's heating plant with its two coal-fired boilers is a fuel burning installation, as contemplated by Wisconsin Administrative Code § NR 154.01.

8. On February 5, 1999, UW performed a stack emission test at its heating plant to determine compliance with the facility's particulate matter (PM) emission limit. The results of this stack test revealed an average PM emission rate of 0.61 pound per million BTU of heat input from Boiler Unit # 2.

9. Stack testing was performed at an operating load substantially below boiler unit # 2's design capacity (average heat input of 59.36 MMBtu/hr or 79% of the 75 MMBtu/hr maximum heat input and average steam load of 43,093 lbs/hour or 65% of the 66,000 lbs/hr maximum steam flow).

10. Permit # 618027080-P01, issued on September 11, 1998 is a federally-enforceable operating permit that authorizes the Wisconsin Department of Administration to operate a heating plant for the UW's Eau Claire campus.

#### **FINDING OF VIOLATION**

11. The results from the February 5, 1999 stack emission test show an exceedance of the limit of 0.60 pounds of particulate per million BTU of heat input that was established by Wisconsin Administrative Code § NR 154.11(4) (b) 1 and UW's operating permit. UW was not in compliance with particulate emission limits beginning February 5, 1999, in violation of Wisconsin Administrative Code § 154.11(4) (b) (1) and operating permit # 618027080-P01.

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<sup>1</sup> The State of Wisconsin has subsequently recodified this regulation at Wisconsin Administrative Code § NR 415.06(1).

**NOTICE OF VIOLATION**

The Administrator of the U.S. EPA, by authority duly delegated to the undersigned, hereby notifies the University of Wisconsin and the State of Wisconsin that the University of Wisconsin is in violation of the Wisconsin State Implementation Plan as set forth in this Notice of Violation.

3-28-00

\_\_\_\_\_  
Date



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Bharat Mathur, Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, do hereby certify that a Notice of Violation pursuant to the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:

Ernest Spring  
State Power Plant Engineer  
Department of Administration  
P.O. Box 7866  
Madison, Wisconsin 53707-7866

I also certify that a copy of the Notice of Violation pursuant to the Clean Air Act was sent by first class mail to:

Tom Woletz  
Wisconsin Department of Natural Resources  
West Central Region  
1300 W. Clairemont  
P.O. Box 4001  
Eau, Claire 54702

on the 29 day of March 2000.

2199 026 496  
CERTIFIED MAIL RECEIPT NUMBER

Shanee Rucker  
Shanee Rucker, Secretary  
AECAS (MI/WI)